IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY PETITION No. 222 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT ALKALIES & CHEMICALS LIMITED - Petitioner(s)
Versus
M/S.MEHTA ORGANICS PVT.LTD. - Respondent(s)

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Appearance :
MR PARITOSH CALLA for Petitioner(s) : 1,
MR RAJENDRA K GOLANI for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 27/04/2006

ORAL JUDGMENT

According to the petitioner, the respondent – Company, as on 22nd November, 2002, was indebted to the petitioner - Company to an amount of Rs.1,05,34,854/- (Rupees One crore five lakhs thirty-four thousand eight hundred and fifty-four) on which substantial interest at

the rate of 21% had also accrued. According to them, the respondent – Company failed to make the payment and despite service of the statutory notice dated 3rd May, 2002, the respondents did not do anything. The petitioner submits that the respondent has become financially bankrupt, it is unable to pay back its debts and deserves to be wound up. Notices were issued to the respondent – Company who, after being served, appeared in the court and filed their reply wherein they submitted the reasons for non-payment of the money. After the matter was admitted, no steps were taken by the respondent – Company to liquidate the dues. On 13th February, 2006, this court directed that the hearing be advertised in “Indian Express” (English) and “Sandesh” (Gujarati). According to the petitioner, the order was carried out and the advertisements were made in accordance with the directions of the court.

2. On 13th February, 2006, this court also appointed a Provisional Liquidator to take possession of the property of the Company. Mr. Kuvadia, the Official Liquidator submits that he could not take possession of the premises which was shown as Registered Office because the Registered Office was shifted much before to the factory

premises and possession of the factory premises also could not be taken because some secured creditor had taken action under the Securitisation Act.

3. Taking into consideration the totality of the circumstances, I am of the considered opinion that the petition deserves to be allowed and the Company deserves to be wound up. The respondent – Company is accordingly wound up. Let the Official Liquidator submit his report separately. The petition stands disposed of.

(R.S. Garg, J.)

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